

# Late Backup

#48  
4-2-09

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 20080312-027, REZONING AND CHANGING THE ZONING MAP TO CHANGE THE ZONING DISTRICTS FROM THEIR CURRENT DESIGNATIONS TO TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN-CONDITIONAL OVERLAY (TOD-NP-CO) COMBINING DISTRICT ON CERTAIN PROPERTY IN THE CHESTNUT AND ROSEWOOD NEIGHBORHOOD PLAN COMBINING DISTRICTS; ADOPTING THE MARTIN LUTHER KING, JR. BLVD. TOD DISTRICT STATION AREA PLAN AND REGULATING PLAN, INCLUDING MODIFICATIONS TO TITLE 25 OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base zoning districts to transit oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district on all those certain tracts of land (*the "Property"*) described in Zoning Case No. C14-2008-0031, on file at the Neighborhood Planning and Zoning Department, as follows:

1701 Alexander Ave. (Lot 1, Blk B, Chestnut Station, 2.6673 ac.);  
1801 Alexander Ave. (Lot 2, Blk C, Chestnut Station, 1.1496 ac.);  
2712 E. 13<sup>th</sup> St. (11.7918 ac. of Olt 28, 30-31, Div B; the remainder of the approximately 22 acre tract south of Chestnut Plaza subdivision);  
Alexander Ave. (Lot 1C, Blk C, Chestnut Station, 0.0430 ac.); ~~and~~,  
Alexander Ave. (7.573 ac. of Olt 28-31, Div B); and,  
The parcel bounded by Martin Luther King, Jr. Blvd., Miraim Ave., Alexander Ave. and 17<sup>th</sup> St. (remainder of the approximately 22 acre tract north of Chestnut Plaza subdivision).

located in portions of the Chestnut and Rosewood neighborhood planning areas, locally known as the area generally bounded by Boggy Creek on the north and east, the Northwest and Austin Railroad on the east, East 12<sup>th</sup> Street on the south, and Ulit Avenue, Miriam Avenue, Alexander Avenue and Randolph Road on the west, including select properties at the intersection of Martin Luther King Jr. Boulevard and Airport Boulevard, and the intersection of Manor Road and Airport Boulevard, in the City of Austin, Travis County, Texas, and identified in the tract table attached as Exhibit "B" and the map attached as Exhibit "C" (*the "Zoning Map"*).

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4 **PART 2.** The zoning districts for the Property are changed:

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6 (A) from the current base districts to transit oriented development (TOD) district; and

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8 (B) to remove all other current combining district designations, except that each district  
9 shall retain its current neighborhood plan (NP) combining district designation.

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11 **PART 3.** The "MLK TOD Station Area Plan" adopted on March 12, 2009, and attached  
12 for informational purposes as Exhibit "D" (the "*MLK Jr. Blvd. SAP*") and incorporated  
13 into this ordinance is adopted as the station area plan for the Property pursuant to Section  
14 25-2-766.22(A) (*Adoption of Station Area Plan*) of the City Code, including the  
15 "Regulating Plan for the MLK TOD Station Area Plan" attached as Exhibit "E" (the  
16 "*Regulating Plan*") and incorporated into this ordinance.

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18 **PART 4.** Under Section 25-2-766.22 (*Adoption of Station Area Plan*) of the City Code:

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20 (A) the Regulating Plan establishes the zoning, site development, and design regulations  
21 applicable to the Property;

22  
23 (B) the boundaries of the MLK Jr. Blvd. TOD shown in Chapter 25-2 (*Zoning*), Appendix  
24 D, Exhibit 3, of the City Code are modified to be the boundaries shown in Exhibit "C;"

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26 (C) amendments to the Regulating Plan are subject to the requirements of Section 25-1-  
27 502 (*Amendment; Review*) of the City for amendments of Title 25 of the City Code  
28 instead of the requirements for notice of rezoning under Section 25-2-261 (*Notice of*  
29 *Application Filing*) of the City Code; and

30  
31 (D) the density standards of Article 2 (*Land Use and Building Density*) and the site  
32 development standards in Section 4.2 (*General Development Standards*) of the  
33 Regulating Plan are the only parts of the Regulating Plan that are requirements of  
34 Chapter 25-2 of the City Code for purposes of Section 25-2-472 (*Board of Adjustment*  
35 *Variance Authority*) of the City Code.

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37 **PART 5.** The Property within the boundaries of the conditional overlay combining district  
38 established by this ordinance is subject to the following conditions:  
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4 **PART 6.** This ordinance takes effect on \_\_\_\_\_, 2009.  
5

6  
7 **PASSED AND APPROVED**  
8

9  
10 §  
11 §  
12 \_\_\_\_\_, 2009 § \_\_\_\_\_  
13 Will Wynn  
14 Mayor  
15

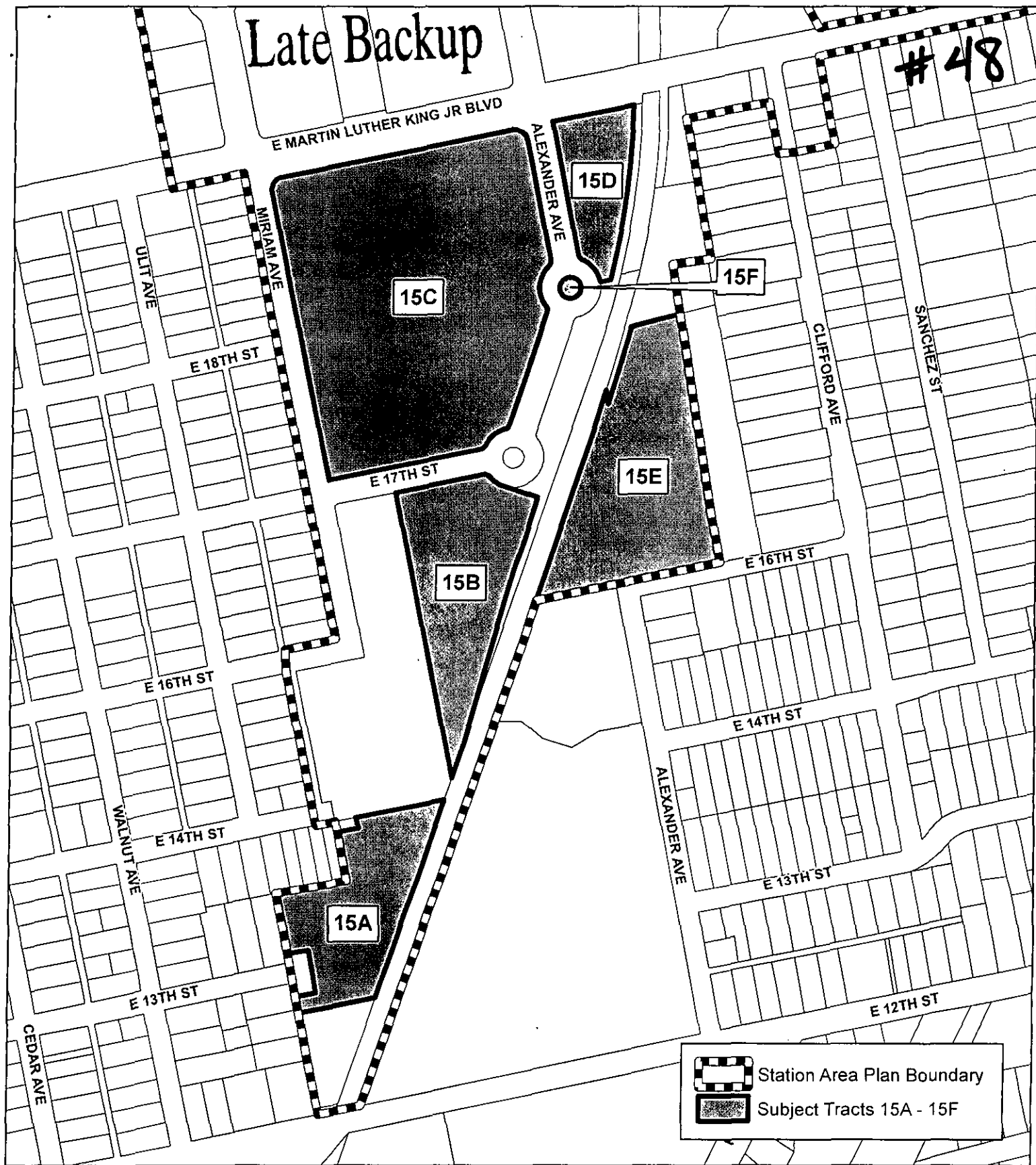
16 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
17 David Allan Smith Shirley A. Gentry  
18 City Attorney City Clerk

**PART 5.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- (A) The Property may not receive a waiver under Article 4.3.2.B (*Waiver of Site Development Standards*) as a result of payment of a fee-in-lieu as allowed under Article 4.3.2.D (*Fee-in-lieu*).
- (B) The Property shall receive a waiver of the maximum density requirement in Article 2.3 (*Transit Oriented Development Subdistricts*) and, subject within 100 feet of the TOD boundary to the agreement of the owners of 66% of triggering properties within 25 of the Property, a waiver of the compatibility height limitations in Article 4.2.10 (*Compatibility Transition Area*) if the owner or developer demonstrates that before the effective date of this ordinance, the owner or developer of the Property provided TOD-related community benefits within the TOD District boundaries with a value of at least at \$1.1 million.
- (C) The total bonus area square footage resulting from the waivers under Section (B) shall be 50,000 square feet.
- (D) The Property shall be eligible for a waiver under Article 4.3.2.B (*Waiver of Site Development Standards*) as a result from a donation made prior to the effective date of this ordinance for the purpose of providing affordable housing in the vicinity of the TOD District if the Director of NHCD verifies the following.
  - (i) The amount of the donation.
  - (ii) That the donation has been used to establish new affordable housing units either within the Martin Luther King, Jr. Blvd. TOD District or within one half mile of its boundaries.
  - (ii) That the quantity or depth of affordability resulting from the donation is superior to that which would have resulted from payment of a fee-in-lieu to the Housing Assistance Fund.
  - (iii) The total bonus area square footage resulting from a waiver under Section (D) shall be calculated by dividing the amount of the donation used to establish affordable units by \$20 per square foot and may not exceed a total of 75,000 square feet.
  - (iv) A community benefit that provides the basis for a waiver under one section of this part may not be used to provide the basis for a waiver under another section of this part.

# Late Backup

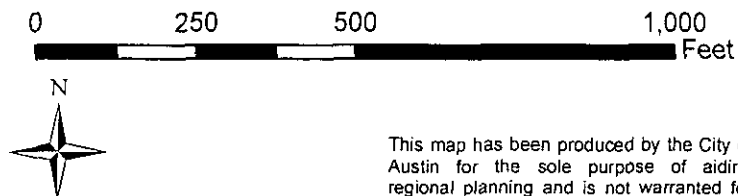
# #48



## MLK Station Area Plan Zoning Tract Map Case # C14-2008-0031



Produced by City of Austin  
Neighborhood Planning and Zoning Dept.  
April 1, 2009



This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

**C14-2008-0031 - MLK Station Area Plan  
Properties to be Rezoned to "TOD-NP-CO"**

Tract # (1)		TCAD Property ID (2)	COA Address (3)	Existing Zoning
15	A	200510	2712 E. 13th Street	CS-MU-CO-NP
	B	762674 (formerly a portion of 200510)	1701 ALEXANDER AVE	CS-MU-CO-NP
	C	772331 (formerly a portion of 200510)	1701 MIRIAM AVE	CS-MU-CO-NP
			1707 MIRIAM AVE	
			1709 MIRIAM AVE	
			1803 1/2 MIRIAM AVE	
			Portion of OLT 28, 30-31 DIVISION B	
	D	762672 (formerly a portion of 200510)	2901 E. MARTIN LUTHER KING JR BLVD	CS-MU-CO-NP
			2901 1/2 E MARTIN LUTHER KING JR BLVD	
			1801 ALEXANDER AVE	
E	Portion of 200579	Portion of ACR 7.573 OLT 28-31 DIVISION B	LI-NP	
F	762671 (formerly a portion of 200510)	Lot 1C BlockC Chestnut Station	CS-MU-CO-NP	

(1) The tract number refers to the numbered tracts on the MLK Station Area Plan Zoning Tract Map.

(2) Each TCAD Property ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Addresses listed for each property are those addresses on file with the city pertaining to that property. If a COA address was not available for a property the TCAD address and/or legal description was used.



# Late Backup

## MLK STATION AREA PLAN MOTION SHEET

STATION AREA PLAN, REGULATING PLAN AND IMPLEMENTATION ITEMS	AGENDA ITEM	VOTING
<p><b>1a. Rezoning Featherlight Properties to TOD</b></p> <p>Adopt IOD base district zoning for Tracts 15A, 15B, 15C, 15D, 15E, and 15F, located within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. (third reading action postponed on 3/12/09)</p>		
<p><b>1b. Alternative Compliance</b></p> <p>Adopt a conditional overlay for Tracts 15A, 15B, 15C, 15D, 15E, and 15F, with alternative compliance language to the provision of affordable housing required in exchange for a development bonus as requested by Council during 1st Reading and prepared by staff. (second reading action postponed on 11/06/08, 12/11/08, 1/15/09, and 2/12/09)</p> <p>(The purpose of the alternative compliance provision is to allow for a future project in the TOD to get "credit" that could be used to meet the required amount of affordable housing for a density bonus. Alternative compliance was requested by an MLK TOD property owner who built a project that generated funds for affordable housing prior to the adoption of the SAP (i.e. without having received any type of development bonus). They would like this to count as a credit towards a future affordable housing requirement for the next phase of the development. Surrounding residents have expressed some concerns about alternative compliance and they have been engaged in discussions with the property owner.)</p>	<p>Agenda Item 48</p>	<p>3rd reading = 4 votes</p>